

COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS

AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT Planning and Building		(2) MEETING DATE July 18, 2006		(3) CONTACT/PHONE Elizabeth Kavanaugh 788-2010	
(4) SUBJECT Hearing to consider an appeal by Alan and Chris Volbrecht of the Subdivision Review Board's denial of their request for a Vesting Tentative Parcel Map (CO 05-0122) to subdivide an existing 2.5 acre parcel into two parcels of approximately 1.4 and 1.1 acres each and designate the project site as a Transfer of Development Credit (TDC) Receiver Site. (Supervisory District No. 5)					
(5) SUMMARY OF REQUEST Alan and Chris Volbrecht has appealed the Subdivision Review Board's decision not to approve their request that would have allowed Tentative Parcel Map (CO 05-0122) to subdivide an existing 2.5 acre parcel into two parcels of approximately 1.4 and 1.1 acres each and designate the project site as a TDC Receiver Site. The proposed project is within the Residential Suburban land use category and is located on the south side of the San Margarita Road, at 9134 Santa Margarita Road, south of the city of Atascadero. The site is in the Salinas River planning area.					
(6) RECOMMENDED ACTION Adopt the resolution affirming the decision of the Subdivision Review Board and disapproving Vesting Tentative Parcel Map CO 05-0122 based on the findings in Exhibit A.					
(7) FUNDING SOURCE(S) Appeal Fee		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Counsel reviewed and approved the Resolution as to form and content					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input checked="" type="checkbox"/> 5th, <input type="checkbox"/> All		(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board	
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 45.min.) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)		(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A			
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A			
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____		(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> N/A Date _____	
(23) ADMINISTRATIVE OFFICE REVIEW <div style="text-align: right; font-family: cursive; font-size: 1.2em;"> OK Leslie Brown C-5 7-18-06 </div>					



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS
FROM: ELIZABETH KAVANAUGH, CURRENT PLANNING
VIA: WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING
DATE: JULY 18, 2006

SUBJECT: HEARING TO CONSIDER AN APPEAL BY ALAN AND CHRIS VOLBRECHT OF THE SUBDIVISION REVIEW BOARD'S DENIAL OF THEIR REQUEST FOR A VESTING TENTATIVE PARCEL MAP (CO 05-0122) TO SUBDIVIDE AN EXISTING 2.5 ACRE PARCEL INTO TWO PARCELS OF APPROXIMATELY 1.4 AND 1.1 ACRES EACH AND DESIGNATE THE PROJECT SITE AS A TRANSFER OF DEVELOPMENT CREDIT (TDC) RECEIVER SITE. (SUPERVISORIAL DISTRICT NO. 5).

RECOMMENDATION

Adopt the resolution affirming the decision of the Subdivision Review Board and disapproving Vesting Tentative Parcel Map CO 05-0122 based on the findings in Exhibit A.

DISCUSSION

Background

This proposed project is a 2-lot subdivision that would create two parcels of 1.4 and 1.1 acres each. The Salinas River Area Plan has a minimum parcel size requirement of 2.5 acres for this area. This lot could not be subdivided through a standard subdivision. However, Section 22.24.070.B.2.d, the TDC section of the Land Use Ordinance, allows a bonus of one lot, if the site meets the locational and eligibility criteria, including the site's location is located within 2.5 miles from an Urban Reserve Line. This project is less than 2.5 miles from the Atascadero's Urban Reserve Line, which qualifies this subdivision for one extra lot, for a total of two lots.

Staff recommended approval of this Parcel Map at the June 5, 2006 Subdivision Review Board hearing because it met the locational criteria listed in Sections 22.24.070 B.2.a, B.2.b, B.2.c, and the eligibility criteria of Section 22.24.070A of the TDC ordinance. In addition, the Parcel Map met the standards of the Real Property Division Ordinance and

was issued a negative declaration with no environmental impacts. However, the Subdivision Review Board denied the parcel map because they found: 1) the parcel sizes were smaller than most of the existing parcels in the area and the parcels do not reflect the character of the area; and 2) the subdivision would erode the rural character between the city of Atascadero and the village of Garden Farms. On June 16, 2006 the Planning Department received an appeal of this decision from the applicant. The issue raised in the appeal is discussed below.

Appeal Issue

Issue – The proposed parcel sizes (1.4 and 1.1 acres each) are larger than the one-acre minimum parcel size for Residential Suburban land use category discussed in Section 22.24.080.B.2.d of the TDC ordinance of the Land Use Ordinance, which reads:

“Sites that meet the locational criteria listed in Subsections B.2.a, B.2.b, B.2.c, and the eligibility criteria of Section 22.24.070A, but which would not otherwise qualify for a division (the property size is already at or below the lowest minimum parcel size allowed by that land use category), may be granted a bonus of not more than one additional lot. The parcels after division shall not be less than the lowest minimum parcel size in the applicable land use category”.

The TDC ordinance intended to allow the subdivision of a lot that would otherwise be too small for traditional subdivision, as long as the resulting parcels sizes are not smaller than the minimum parcel size of the land use category. The minimum parcel size for the Residential Suburban Land Use Category is one acre and the proposed parcels are 1.4 and 1.1 acres each, larger than one acre. This project meets the intent of, and all criteria of, the TDC ordinance.

Staff Response: Subdivisions are a discretionary act. Meeting the criteria and intent of the Land Use Ordinance is not a guarantee the project will be approved. The Review Authority must take into account many factors before approving a subdivision. Meeting the Land Use Ordinance, qualifying for a negative declaration and receiving staff's support are just a few considerations. The Subdivision Review Board in their review and subsequent denial of this project considered compatibility of the proposed project with the surrounding area.

Although the parcel map may technically meet the criteria to be a receiving site, it can be argued that it doesn't meet the "intent" of Chapter 22.24 (TDC Ordinance) as the intent of the ordinance is to send development to more suitable areas and this site is not more suitable because it would create parcel sizes that are substantially smaller than those in the area and therefore would be inconsistent with the pattern of development in the area.

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The South Atascadero area is east of Highway 101 between Atascadero and the village of Garden Farms.

- *There are approximately 700 lots in this area that range in size from one to ten acres.*
- *The majority of parcels range in size from two to five acres.*
- *The average parcel size is 2.6 acres.*

The neighborhood defined in this report is a quarter- mile radius around the site which has the following lot size characteristics:

- *Lot sizes range from one acre to five-acre parcels.*
- *The average parcel size is 3.2 acres.*
- *One third of the existing parcels in the vicinity are under the 2.5-acre minimum parcel size of the area.*
- *Two existing lots that are one acre in size.*

The proposed 1.4 and 1.1 -acre parcels are smaller than the 2.6 acre average parcel size in South Atascadero, smaller than the 3.2-acre average parcel size of the neighborhood, and are more than one acre smaller than the 2.5-acre minimum parcel size required of subdivisions in the Salinas River Area Plan.

The Salinas River Area Plan has a 2.5-acre minimum parcel size for this area to protect the rural character of South Atascadero, to provide open space and to provide enough acreage for keeping of animals. The proposed 1.4 and 1.1 acre lots are too small to provide any meaningful open space and would erode the rural feeling of the area

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel reviewed the resolution, findings and staff report as to form and legal effect.

FINANCIAL CONSIDERATIONS

The appeal fee collected covers the cost of reviewing the appeal.

RESULTS

Denial of the appeal and disapproval of the Vesting Tentative Parcel Map for Parcel Map CO 05-0122 would not allow the subdivision of an existing 2.5-acre parcel into two

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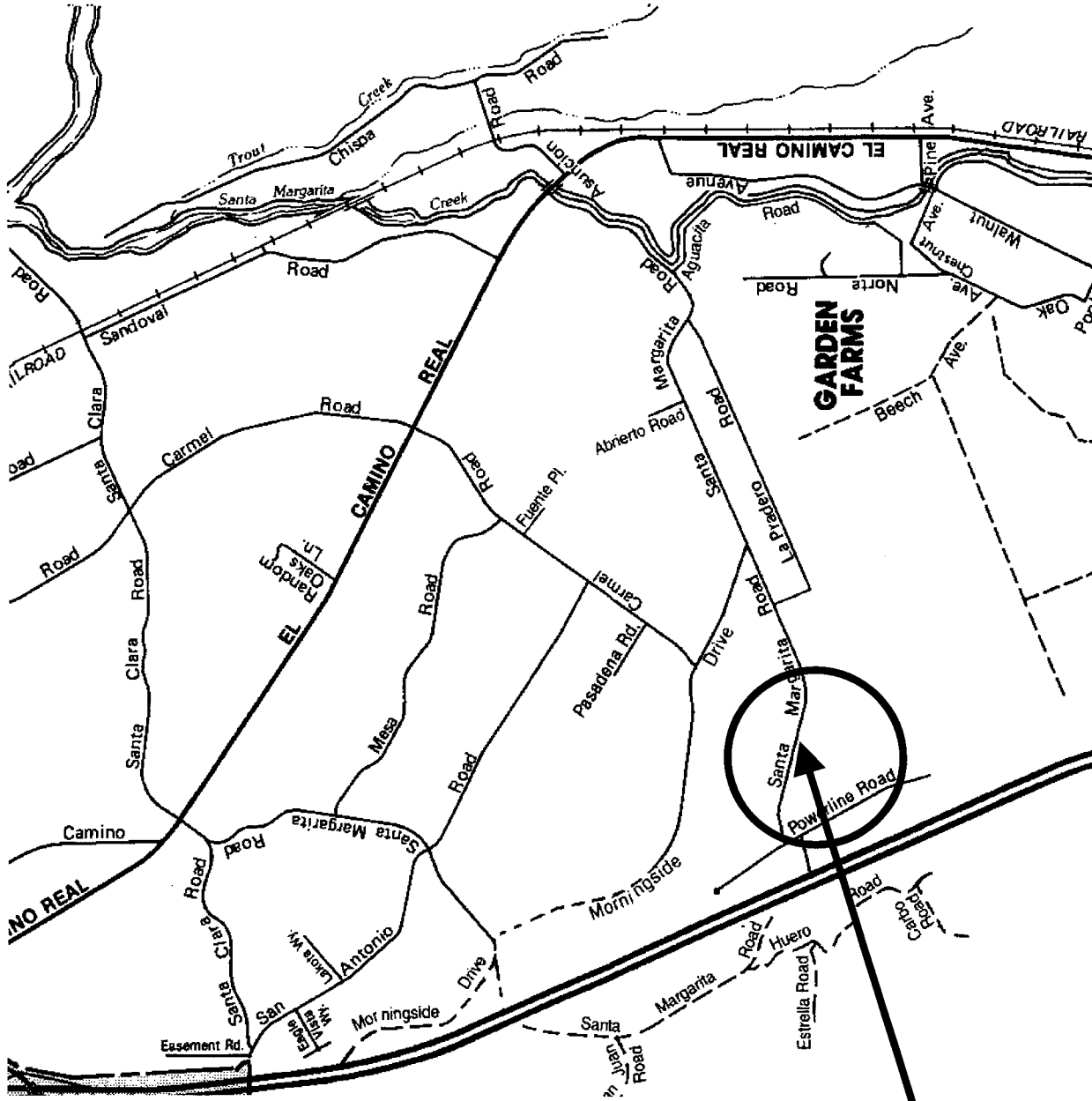
parcels of approximately 1.4 and 1.1 acres each and designation of the project site as a TDC receiver site

Upholding the appeal and reversing the decision of the Subdivision Review Board would allow Tentative Parcel Map CO-05-0122 to subdivide the existing 2.5-acre parcel into two parcels of approximately 1.4 and 1.1 acres each and designate the project site as a TDC receiver site.

ATTACHMENTS

1. Maps and graphics
2. Resolution
3. Exhibit "A" Findings
4. Appeal application
5. Minutes from the June 5, 2006 Subdivision Review Board hearing
6. Staff report from the June 5, 2006 Subdivision Review Board hearing

CO



SITE

PROJECT

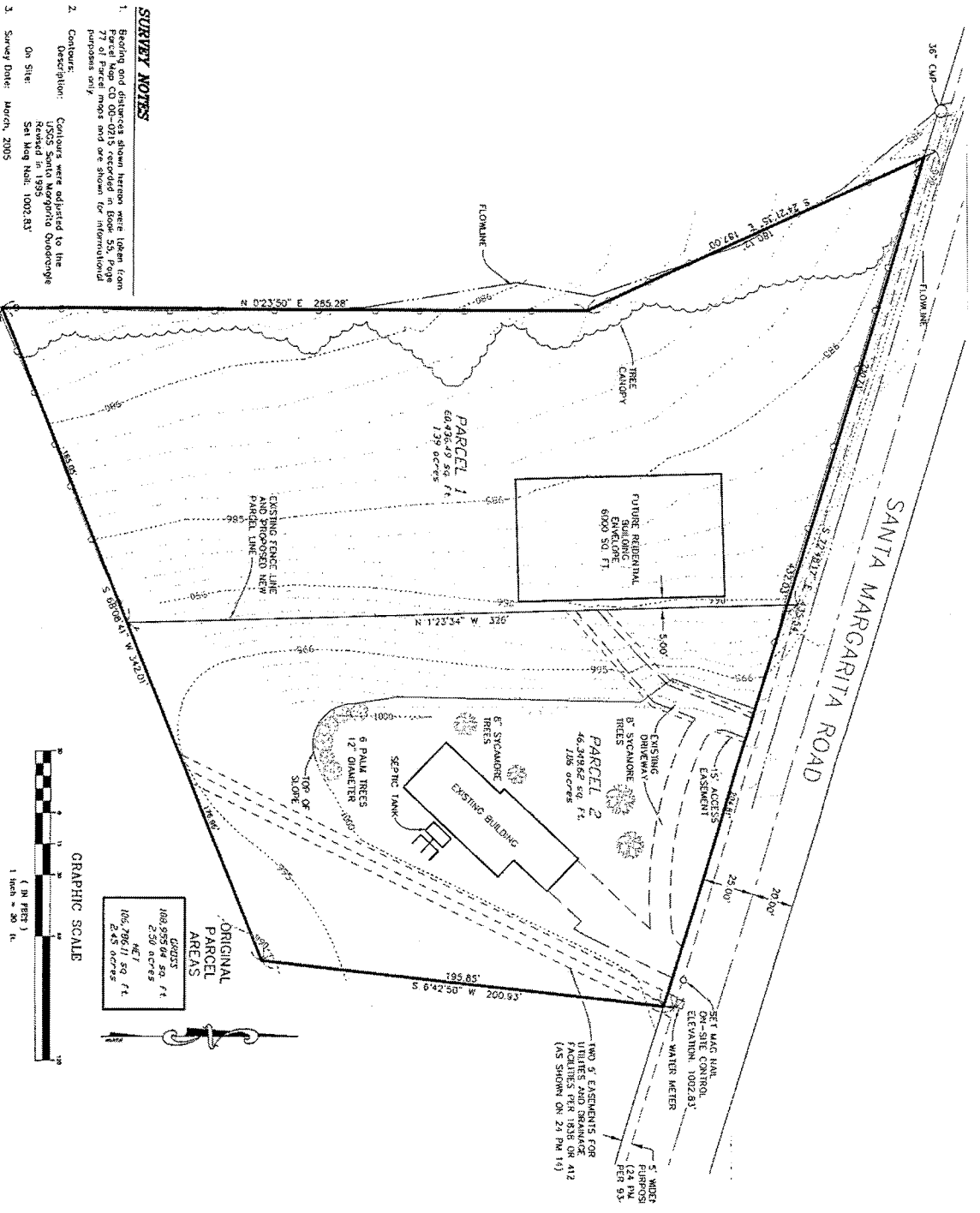
Parcel Map
Volbrecht/Galena SUB2004-00355

EXHIBIT

Vicinity Map

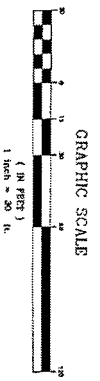


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SURVEY NOTES

1. Boundary and distances shown herein were taken from the original survey of 1935 and are recorded in Book 55, Page 77 of Parcel maps and are shown for informational purposes only.
2. Contours: Contours were adjusted to the USGS Santa Margarita Quadrangle Revised in 1995. Set Map No. 1002.83.
3. Survey Date: March, 2005



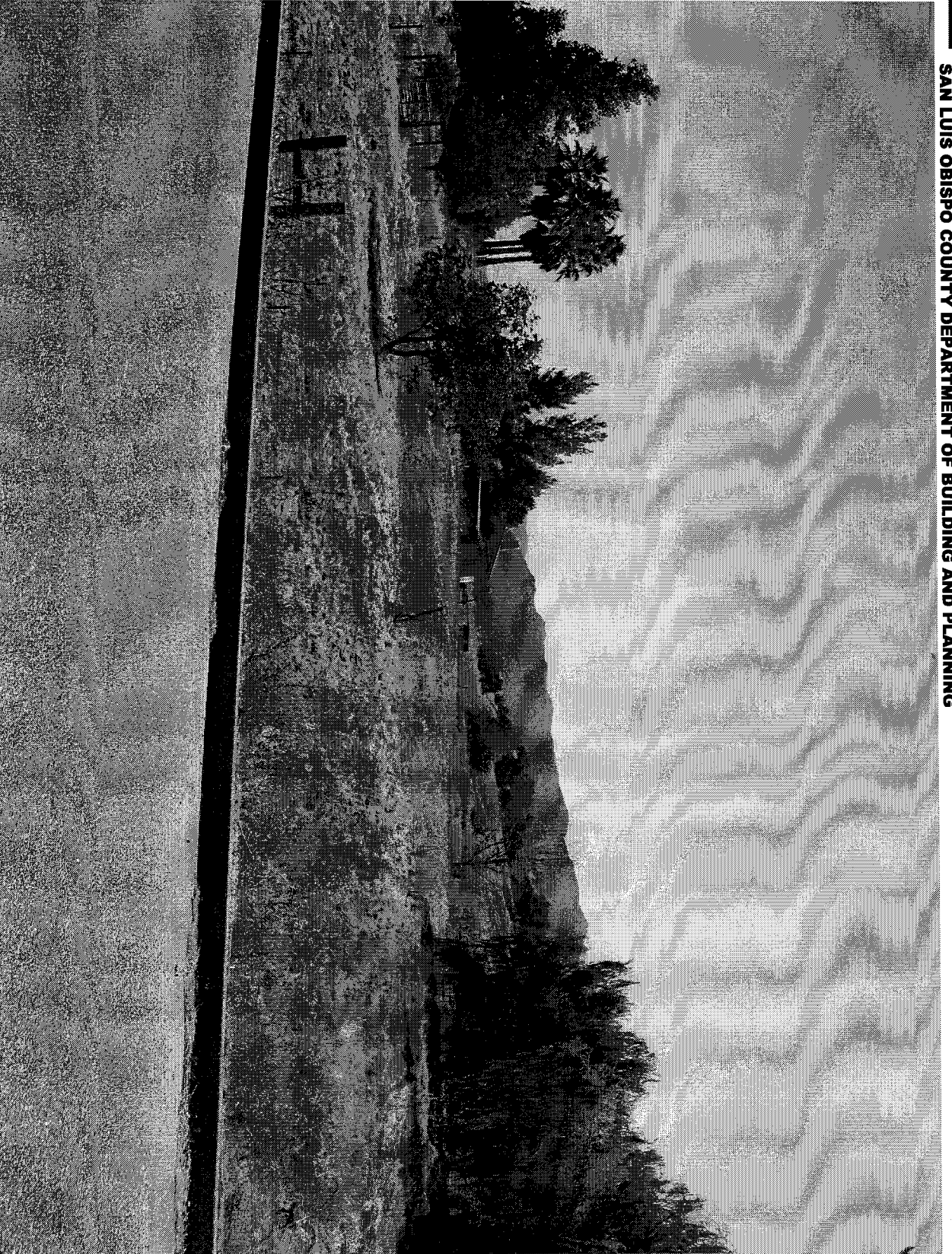
PROJECT

Parcel Map
Volbrecht/Galena SUB2004-00355

EXHIBIT

Site Plan





CG 5

PROJECT

Parcel Map

Volbrecht/Galena SUB2004-00355



EXHIBIT

site

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PROJECT

Parcel Map
Volbrecht/Galena SUB2004-00355

EXHIBIT

Surrounding area



IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION AFFIRMING THE DECISION OF THE
SUBDIVISION REVIEW BOARD AND DISAPPROVING THE APPLICATION OF ALAN
AND CHRIS VOLBRECHT FOR A VESTING TENTATIVE PARCEL MAP
FOR PARCEL MAP CO 05-0122.

The following resolution is now offered and read:

WHEREAS, on June 5, 2006, the Subdivision Review Board of the County of San Luis Obispo (hereinafter referred to as the "Subdivision Review Board") duly considered and disapproved the application of Alan and Chris Volbrecht for vesting tentative parcel map for Parcel Map CO 05-0122 and the designation of the site as a TDC receiver site; and

WHEREAS, Alan and Chris Volbrecht have appealed the Subdivision Review Board's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on July 18, 2006, and determination and decision was made on July 18, 2006; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Subdivision Review Board should be affirmed subject to the findings set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

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3. That this project is found to be statutorily exempt from the California Environmental Quality Act under the provision of the Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

4. That the appeal filed by Alan and Chris Volbrecht is hereby denied and the decision of the Subdivision Review Board is affirmed that the application of Alan and Chris Volbrecht for a vesting tentative parcel map for Parcel Map CO 05-0122 is hereby disapproved subject to the findings set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full, and that the request to designate the site as a TDC receiver site is hereby disapproved.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: July 3, 2006

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STATE OF CALIFORNIA,
County of San Luis Obispo

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 2006.

County Clerk and Ex-Officio Clerk of the
Board of Supervisors

(SEAL)

By: _____ Deputy Clerk

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DENIAL FINDINGS - EXHIBIT A
VOLBRECHT CO 05-0122/ SUB 2004-00355

Environmental Determination

- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects, which a public agency rejects or disapproves.

Tentative Map

- B. The proposed map is inconsistent with applicable county general and specific plans because it does not comply with General Goal 8 of Framework for Planning that states that a distinction between urban and rural development should be maintained to enhance the pattern of identifiable communities. The proposed subdivision is located between the city of Atascadero and the community of Garden Farms. The existing larger lots of this area create separation between these two communities. The proposed subdivision will erode this separation between these communities because it creates two lots of approximately 1.1 and 1.4 acres that are similar to parcel sizes within these communities.
- C. The proposed map is inconsistent with applicable county general and specific plans as described in General Goal 9 of Framework for Planning because it would erode the rural character of this area between the city of Atascadero and the community of Garden Farms by allowing for lot sizes that are consistent with the Residential Suburban land use category found in urban and village areas.
- D. The proposed map is not consistent with the county zoning and subdivision ordinances because, although the parcel map may be argued to technically meet the criteria to be a receiving site, it doesn't meet the "intent" of Chapter 22.24 (TDC Ordinance) as the intent of the ordinance is to send development to more suitable areas and this site is *not* more suitable because, if subdivided, the resulting parcels are not consistent with the size of surrounding parcels, is located outside of an urban area and therefore is not served by full public services, would create parcel sizes that are substantially smaller (1.1 and 1.4 acres) than those in the area (average of 3.2 acres) and therefore would be inconsistent with the pattern of development in the area. As such, the site is not appropriate for designation as a TDC receiver site.

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Inland Appeal Application

San Luis Obispo County Department of Planning and Building

PROJECT INFORMATION

Type of permit being appealed:

- ☐ Plot Plan ☐ Site Plan ☐ Minor Use Permit ☐ Development Plan ☐ Variance
☒ Land Division ☐ Lot Line Adjustment ☐ Sending Site Determination ☐ Other _____

File Number: CO05-0122 SUB 2004-00355

The decision was made by:

- ☐ Planning Director ☐ Building Official ☐ TDC Review Committee ☐ Administrative Hearing Officer
☒ Subdivision Review Board ☐ Planning Commission ☐ Other _____

Date the application was acted on 6/5/06

The decision is appealed to:

- ☐ Board of Construction Appeals ☐ Board of Handicapped Access ☐ Planning Commission ☒ Board of Supervisors

BASIS FOR APPEAL

Appeal Reasons: Please state your reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed (attach additional sheets if necessary). Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

SRB DENIED PROJECT BECAUSE RESULTING PARCELS ARE TOO SMALL
RESULTING PARCELS HOWEVER, ARE LARGER THAN MINIMUM
PARCEL SIZE AS STIPULATED BY TDC ORDINANCE FOR RECEIVER SITE

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are:

Condition Number	Reason for appeal (attach additional sheets if necessary)

APPELLANT INFORMATION

Print name: AAAN & CHRIS VOLBRECHT

Address: PO 854, SANTA MARGARITA 93453 Phone Number (daytime): (805) 781-9296

We have completed this form accurately and declare all statements made here are true.

Signature: Christine Volbrecht

Date: 6/12/06

OFFICE USE ONLY Date Received: <u>6/13/06</u> Amount Paid: <u>604.00</u>	By: <u>EP</u> Receipt No. (if applicable): _____	Revised 7/31/01/ep
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DRAFT MINUTES - SRB

use category and is located on the south side of Gough Avenue for Lot 1 and Lot 2 and north side Lincoln Street for Lot 3, approximately 1,000 feet west of Old County Road intersection, in the Community of Templeton. This project is exempt under CEQA.

County File No: SUB2005-00175. Assessor Parcel Number: 041-131-046 and 005. Supervisorial District: 1. Date Accepted: March 1, 2006.

Holly Phipps, staff, presents project. Staff is recommending approval of this project.

John McCarthy, McCarthy Engineering: states there was an issue with staff regarding an oak tree and road improvements on Lincoln Street. Indicates those issues have been taken care of. Mr. McCarthy states he is present for any questions the Board may have.

Richard Marshall: states Mr. McCarthy has submitted photos to staff for review due to the concerns with the oak tree and road improvements. Addresses sidewalk improvements that show plenty of space away from the tree. The photos are distributed and reviewed.

Richard Marshall: asks staff if the project is still good for categorical exemption.

Mr. Nall: responds, stating "yes".

Thereafter, on motion by Mr. Marshall, seconded by Mr. Nall, and unanimously carried,

AYES: Mr. Marshall, Mr. Nall, Mr. Lichtenfels, Ms. Arlin-Genet, and Chairman Euphrat.

NOES: None

ABSENT: None

the Subdivision Review Board recognizes the class 15 categorical exemption and approves Document Number 2006-029 granting a Tentative Parcel Map CO 06-0011 to the Thomas Erskine Trust based on the Findings in Exhibit A, and subject to the Conditions in Exhibit B.

6. Hearing to consider a request by **ALAN & CHRIS VOLBRECHT** for a Tentative Parcel Map (CO 05-0122) to subdivide an existing 2.5 acre parcel into two parcels of 1.4 and 1.1 acres, for the purpose of sale and/or development and designate the project as a TDC Reciever site. No secondary dwellings would be allowed on the resulting parcels. The proposed project is within the Residential Suburban land use category and is located on the south side of Santa Margarita Road (at 9134 Santa Margarita Road), south of the City of Atascadero. The site is in the Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. **County File Number: SUB 2004-00355.** Assessor Parcel Number: 059-431-039. Supervisorial District: 5. Date Accepted: September 13, 2005.

Elizabeth Kavanaugh, staff, presents project. Indicates this project is a south Atascadero subdivision using the TDC program. The site is located on Santa Margarita Road and is categorized Residential Suburban. She indicates the applicant is offering an open space along a visual corridor of weeping willow trees that has grown along a drainage basin as a public benefit for this map. Discusses existing parcels surrounding the area, and similarity of sizes.

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States this map meets all the Title 19 and Subdivision Standards and the negative declaration found no impacts beyond those that may be mitigated through public facilities. States 1/3 of the parcels in the area are below the 2.5 acre minimum parcel size of the Salinas River Area Plan. Staff recommends approval.

Alan Volbrecht, applicant: states this is another request in partnership with one of his daughters to assist in enabling her to move back into the area. Indicates the area is serviced by the Atascadero Mutual Water District and a will serve letter exists for the proposed project dated March 16, 2005. A septic system for the existing residence was upgraded in the spring of 2005. Percolation testing and preliminary septic system design for the proposed new parcel was completed by a civil engineer in 2005. Reviews tentative site map. Discusses TDC Program definitions. Refers to page 21 of the Land Use Ordinance regarding receiver sites and reads a portion for the record. Describes the area make-up surrounding the proposed new parcel. Reviews current, existing urban services of the parcel. States the project request meets all criteria of a TDC receiving site and all other criteria. Addresses neighborhood compatibility, and sizes of neighboring parcels. Reviews various photos of the proposed parcel, indicating the uniqueness of the parcels in that they seem much larger than they really are. Cites impacts to the environment. Addresses arguments in favor of approval of this project, and possible effects if not approved. Discusses urban reserve line and comparison to location of proposed project in relation to the City of Atascadero. Cites distance comparison from the city's commercial center, stating fully 20% of the northerly portion of the City of Atascadero is further from the commercial center than the proposed parcel site. Discusses TDC applications and current moratorium. Mr. Volbrecht is asking for approval of this project.

Chris Volbrecht, co-applicant: indicates she and her husband are in partnership with her daughter's and their families on this project to enable them to return to the area after having moved away. States she was unaware of the magnitude of dealing with the TDC program. She refers to staff's recommendation for a negative declaration and approval of this project. Mrs. Volbrecht quotes a portion of the countywide general goals for growth. She indicates the proposed parcel area is not Rural and that it has public utilities installed, paved streets, and the only line of public transportation in north county. She adds there is already a developing commercial center, and discusses the make-up of the community. Mrs. Volbrecht states using the TDC program in this area allows increased density within a logical area for increased density, adding that density needs to be used in an area where it makes sense. She urges the board to uphold the county land use programs and approve this project.

Eric Greening: indicates the TDC site raises issues to cumulative impacts in the mandatory findings of significance. States there is plenty he could say in relation to public utilities and facilities, but states he wants to focus on transportation and circulation issues here, even though the negative declaration assumes this project's impacts are insignificant. He discusses the moratorium. States each new TDC site erodes the 2-1/2 acre parcel size, making it harder to find adjacent subdivisions incompatible with the area. Mr. Greening cites the Santa Barbara Road interchange and traffic study that recommended denying left turns from San Antonio onto Santa Barbara as a needed mitigation for an Atascadero project, which would have denied freeway access, although this recommendation was not implemented due to the protest that ensued when south Atascadero residents learned that an Atascadero project was being mitigated at their expense. He adds that since there has been no project study report on interchange improvements here, he feels such a project is decades away. Mr. Greening discusses costs of these types of projects and time frames involved for their completion. He indicates the SLOCOG Board has made it clear that from now on, no such project will be approved using total agency money, and that it will require a substantial local match. He

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questions where the County or the City will find the match. He addresses the negative declaration, stating it cannot be approved with these questions outstanding.

Della Barrett, Atascadero resident: speaks against the project out of consistency. Discusses TDC program approval and the moratorium. She addresses the visual impacts of the proposed site division, along with the area plan versus the TDC program acreage requirements. States others are opposed to the proposed subdivision and she has brought letters from those who could not attend for the record. Requests denial of this project.

Mr. Marshall: requests clarification from Ms. Barrett that she is the Della Barrett referred to in Advisory Council Minutes, as a copy of minutes given to him from the Advisory Council did not list individuals' last names.

Ms. Barrett: indicates she is the individual listed in the minutes from SMAC and is not speaking as a member of SMAC, but is simply present as a concerned party.

Tina Salter, Atascadero resident: states she is here to request denial of this project. Cites concerns with small sizes of the lots. Ms. Salter presents statements from 53 other residents against the project.

Delores Simons, Atascadero resident: requests denial of the proposed project. States she is against the smaller parcels. She indicates she is against the TDC Program, and discusses her concerns with the program. Ms. Simons addresses the environmental determination. States concerns with urban sprawl. Ms. Simons requests denial of this project.

Dana Delmar, daughter of the Volbrechts: cites her reasons for requesting approval of this project. She indicates she and her sister are trying to return to this area and states this project is vital for her and her sister's living standard and their attempts to raise their families.

Mr. Marshall notes there are no road improvements recommended in the conditions of approval. There is discussion of conditioning this request for road improvements. Mr. Marshall suggests that this be treated comparable to other projects in similarity.

Mr. Volbrecht responds.

Mr. Lichtenfels: suggests language for a new condition #26 to read: "The septic system on parcel 1 shall be designed and installation certified by a registered engineer."

Kami Griffin: states since this wouldn't occur before final map, it really needs to be on the additional map sheet conditions, so it would have to be new Condition #20.H.

Ms. Arlin-Genet: comments on the Air Pollution Control District's (APCD) position on this proposal. She states it is very difficult when we look at a project on a parcel by parcel basis and we start talking about the need for increased density in an area. She states this is further convoluted when work force housing is a component of that as well. States we all know the region is stressed to provide affordable housing. Addresses the term "rural". Ms. Arlin-Genet indicates mobile sources contribute more than 50% of the pollution in our area. She explains the State of California has recently adopted a new ozone standard that's even more stringent than what the APCD has been working with. She adds that while the APCD is in attainment for the old standard, for the new standard APCD will not be in attainment, which means a new update to their clean air plan and more regulations on stationary sources (businesses). She

indicates this project would put more homes in the area that would increase the particulates in the air due to more traffic due to recreation, shopping, and other needs for further dependency on vehicle transportation. Addresses differences in air quality regulations that apply to different sized parcels. She explains that larger parcels in this area have the opportunity to burn green waste. States this is a significant source of particulate matter in the area which has significant health consequences, and this project will put more homes in the area causing increases in those particulates. Ms. Arlin-Genet indicates her frustration that the City of Atascadero has not weighed in here, as they are another jurisdiction that is impacted by these projects with their road fees, and she doesn't believe there are road fees assessed for the City of Atascadero. Indicates the APCD cannot support this project request for the reasons stated.

Charman Euphrat: discusses burn permitting.

Mr. Nall: asks Ms. Kavanaugh to show parcel sizes in the vicinity for review. He then questions where the 1-acre parcels originated from.

Ms. Griffin: states they are part of the Atascadero Colony and are colony lots. She indicates the colony predated our zoning by quite a bit. Ms. Griffin adds the 2.5 acre minimum was placed on at the time of the LUE/LUO adoption. States it was to mimic what was happening in the south part of the City of Atascadero, to have the smaller parcels.

Mr. Nall: addresses the Dove Creek development, which was a much larger development, which was subdivided recently within the city limits. There is discussion of the sizes of parcels involved, and of the benefits in the use of TDC's on this particular request.

Mr. Marshall: states the willow trees are not that substantial other than visual, since they are not on the endangered species list, nor is this a wetlands or something other than visual. He adds he is impressed by the fact that both opponents and proponents of this project request have encouraged us to demonstrate consistency. Mr. Marshall explains he is inclined to follow with consistency on this case as on the similar project denied last month.

Chairman Euphrat: agrees that the board must remain consistent in administering the rules and regulations of the County in considering this request. States in this case he is persuaded by the testimony, and by the average size parcel in the area being about 2.5 acres in size, for which this project is far below.

Ms. Kavanaugh: requests approval to recommend language for denial of this project since it sounds like that is the direction this Board is going.

Chairman Euphrat: states this would be appropriate.

Mr. Lichtenfels: states this is a difficult call, as the Volbrechts have labored in good faith using the existing rules to go forward. He indicates there is, however, compelling testimony for denial and he is inclined to agree.

Mr. Marshall: discusses last month's similar item was recommended for denial by the Advisory Council, and this project was recommended for approval by them. States he was greatly appreciative to SMAC for providing him with the minutes of the Advisory Council.

Mr. Nall: discusses aerial photo and parcel sizes. Believes the project is inconsistent given the parcel sizes in the immediate vicinity.

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Kami Griffin, staff: states it would be nice for the Subdivision Review Board to acknowledge that if this project is appealed and potentially overturned on appeal, perhaps indicate those specific conditions that you would like to see considered (ie perhaps condition regarding outside burning and road improvements) so we would then have the technical recommendations on potential conditions if this is appealed.

Mr. Marshall: recommends the condition regarding the road be added as new condition #3 and simply say: *"Santa Margarita Road widened to complete an A-1X section fronting the property."* He suggests consideration for new language regarding burning .

Ms. Arlin-Genet: suggests the language: "That no outdoor burning shall be allowed in perpetuity." States she has mixed feelings on this as one, when one neighbor may have the authority to burn when one does not, this doesn't seem to be consistent. Upon discussion, there was consensus not to pursue a condition like this.

Thereafter, on motion by Richard Marshall, seconded by Aeron Arlin-Genet, and on the following roll call vote:

AYES: Mr. Marshall, Ms. Arlin-Genet, Mr. Lichtenfels, Mr. Nall, and Chairman Euphrat
NOES: None
ABSENT: None

The Subdivision Review Board denies Tentative Parcel Map CO 05-0122 to Alan & Chris Volbrecht, based on the Findings for Denial in Exhibit A.

7. Hearing to consider a request by **KEVIN FUSON** for a Tentative Parcel Map CO 06-003 to subdivide an existing approximately 14,000 square foot parcel into two parcels approximately 7,000 square feet each and designate the project site as a TDC Receiver Site (one credit), for the purpose of sale and/or development. The proposed project is within the Residential Single Family land use category and is located at 601 Hawley Street, on the northwest corner of Hawley Street and Cayucos Avenue in the community of Templeton. The site is in the Salinas River planning area. This project is exempt under CEQA. **County File No: SUB 2005-00186.** Assessor Parcel Number: 041-063-020. Supervisorial District: 1. Date Accepted: May 1, 2006.

Elizabeth Kavanaugh, staff, presents project. Staff is recommending approval.

Mr. Marshall cites the effects of the road exception for clarification. There is discussion of creation of the parcel division.

Mr. Nall discusses parcel sizes.

Chairman Euphrat asks for the original legal description.

Ms. Arlin-Genet questions whether there is existing housing on site.

Ms. Kavanaugh indicates there is one existing residence.

Mr. Lichtenfels addresses community water and sewer conditions.

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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT **6-1**
SUBDIVISION REVIEW BOARD

Promoting the wise use of land
Helping build great communities

MEETING DATE May 1, 2006	CONTACT/PHONE Elizabeth Kavanaugh 805/788-2010	APPLICANT Alan and Chris Volbrecht	FILE NO. CO 05-122 SUB2004-00355
SUBJECT Hearing to consider a request by Alan and Chris Volbrecht for a Tentative Parcel Map (CO 05-0122) to subdivide an existing 2.5-acre parcel into two parcels of 1.4 and 1.1 acres, for the purpose of sale and/or development and designate the project as a TDC Reciever site. No secondary dwellings would be allowed on the resulting parcels. The proposed project is within the Residential Suburban land use category and is located on the south side of Santa Margarita Road (at 9134 Santa Margarita Road), south of the City of Atascadero. The site is in the Salinas River planning area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Parcel Map CO 05-0122 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study finds that there is no substantial evidence that the project may have a significant effect on the environment, and that the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulation section 15000 et seq.) has been issued on September 12, 2005 for this project.			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 059-431-039	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS: Planning Impact Area –Atascadero and Shared Driveways			
LAND USE ORDINANCE STANDARDS: None			
EXISTING USES: A single-family residence			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban / residences <i>East:</i> Residential Suburban / residences <i>South:</i> Residential Suburban / residences <i>West:</i> Residential Suburban / residences			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, County Parks, CDF, and the City of Atascadero and the Santa Margarita Advisory Counsel	
TOPOGRAPHY: Gently sloping	VEGETATION: Non native grasses, sycamore trees, palms trees and willow trees
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: September 13, 2005

ORDINANCE COMPLIANCE:

Minimum Parcel Size - Land Use Ordinance Minimum Parcel Size Tests

Section 22.22.070 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Suburban land use category. The standards are based on the topography of the site and the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 1 acre parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Slope	Average slope is between 0 and 15 %	1 acres
Water Supply and Sewage Disposal	On-site septic Community sewer	1 acres

Minimum Parcel Size - Land Use Ordinance Planning Area Standards

The minimum parcel size is 2.5 acres based upon the planning area standard for the site. The applicant is requesting a subdivision of a parcel that would result in parcels below 2.5 acres based on the provisions of the county TDC program.

TDC Receiver Site

The Salinas River Planning Area rural standards set a minimum parcel size of 2.5 acres. The applicant, however, has requested to be a Transfer of Development Credit (TDC) receiver site. The site qualifies as a receiver site as follows:

1. The project is recommended for a mitigated negative declaration;
2. The site is not within agricultural preserve;
3. The site is within five miles of an urban reserve line;
4. The footprint of development is located on less than 30 percent slopes;
5. The footprint development is outside of SRA, FH, GSA, Earthquake Fault Zone and the Very High Fire Hazard
6. The footprint of development is outside of a significant biological, geographical or riparian habitat as defined by the Natural Areas Plan (appendix B of the Ag and Open Space Element of the general plan); and
7. The development complies with all development standards; water, sewage disposal and access standards and all land division standards as set forth in Titles 19, 21, and 22.

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The base density of this project is based on the planning area standard, which is one parcel per 2.5 acres. Through a standard subdivision, this lot could not be subdivided. However, Section 22.24.070.B.2.d allows division of an otherwise unsubdividable parcel into no more than one additional parcel. The site must be within 5 miles of an urban or village reserve line. This site is a mile and a half from Atascadero's Urban Reserve Line. The parcel(s) after division shall not be less than the lowest minimum parcel size allowed by the land use category. In this case, the lowest minimum parcel size in Residential Suburban land use category is one acre. The proposed parcels are 1.4 and 1.1 acres each, larger than the one-acre minimum parcel size in Residential Suburban land use category. This site would otherwise qualify for the one-acre minimum parcel size absent the planning area standard that sets a 2.5-acre minimum. One transfer of development credit will need to be retired prior to recordation of the final map.

Secondary Dwellings- The land use ordinance prohibits secondary dwelling in this area. Notice of this is required in the additional map sheet.

Underground Utilities – This project is conditioned to provide underground utilities per section 22.10.160.

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing Fees

Sections 18.07 et. seq of Title 18 of the County Code establishes an in-lieu fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

PLANNING AREA STANDARDS:

Minimum Parcel Size -The minimum parcel size for land division in the South Atascadero area is 2.5 acres. This project proposes the use of a TDC credit. When TDC credits are used in subdivisions the base density is the minimum parcel size. In this case because the area plan minimum parcel size 2.5 acres, this is the base density for the proposed subdivision.

Planning Impact Area – Atascadero: This project is located adjacent to the City of Atascadero. The county is required to refer projects close to the city, to the city for comments. This project was referred to the city of Atascadero on May 31, 2005. No response was received.

Shared Driveways: Shared driveways are encouraged in this area. This project includes a shared driveway from Santa Margarita Road and an abandonment of the existing driveway. The location of the new driveway allows for better site distance for safer ingress and egress. This project as conditioned meets the guideline of the Salinas River Area Plan.

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ENVIRONMENTAL DETERMINATION

This project has been issued a Negative Declaration. The only mitigations identified are paying the existing public facility fee and Quimby fees. In addition, this project provides the environmental benefits set forth in the Negative Declarations prepared for the adoption of the of the TDC program in that the program moves development that could occur in outlying areas closer to services and shopping. The benefits of the TDC program are: reduced air pollution, reduced traffic, minimizing sprawl, and permanently protecting land that has agricultural and/or natural resources value.

COMBINING DESIGNATIONS:

None

STAFF COMMENTS

This subdivision has several positive qualities beyond compliance with the Land Use Ordinance:

- This map meets all of Title 19 subdivision and design standards.
- The environmental review found no impacts beyond paying into existing public facilities and Quimby fees.
- Santa Margarita Road requires no additional work to accommodate the extra traffic.
- Both proposed lots have street frontage.
- Approximately one third of the lots in the area are already below the 2.5 acre minimum parcels size set by planning area standard
- There are two existing one-acre parcels in the immediate area.
- The proposed project includes a shared driveway as recommended in the planning area standard.

Open Space Offer - This site has a drainage swale that is planted with a row of Weeping Willow trees. The willow trees are striking in contrast with the areas grassy hills dotted with oak trees. This row of willow trees is a visual asset to the neighborhood. The applicant has agreed to place the row of willow trees and a 10-foot buffer along the row of trees in permanent open space as a condition of approval.

Neighborhood Compatibility -The proposed parcel sizes are approximately 1.4 and 1.1 acres each. The parcel sizes in the vicinity of the site are between one acre and five-acre parcels, with an average parcel size of 3.2 acres. One third of the existing parcels in the vicinity are under the 2.5-acre minimum parcel size of the area and in the immediate area there are two existing one acre lots.

Density – The proposed lot is approximately 2.5 acres. This lot could not subdivide through the traditional subdivision process. This TDC subdivision increases the density of this site by one lot.

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AGENCY REVIEW

Air Pollution Control District – Project doesn't meet the standards of the Clean Air Plan

Public Works – No issues

Environmental Health – approved for processing

County Parks - Pay Quimby fees and building fees

City of Atascadero – No comments

CDF – Issued a Fire Safety letter dated June 14, 2005

Santa Margarita Advisory Counsel – Recommend approval

LEGAL LOT STATUS:

A recorded map legally created the one lot

Staff report prepared by Elizabeth Kavanaugh
and reviewed by Kami Griffin, Supervising Planner

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FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study finds that there is no substantial evidence that the project may have a significant effect on the environment, and that the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulation section 15000 et seq.) has been issued March 19, 2005 for this project. Mitigation measures are proposed to address Biology.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it is being subdivided in a consistent manner with the Residential Suburban land use category and has included the Salinas River area plan standard of 2.5 acre minimum parcel size as the base density for this TDC subdivision.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of two single-family residences.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support two primary dwellings.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is not critical habitat fish or wildlife and the vicinity is already developed with single family residences.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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Transfer of Development Credit (TDC) Receiver Site.

- J. The site qualifies as a TDC Receiver Site as follows: (1) the project is recommended for a mitigated negative declaration; (2) the site is not within agricultural preserve; (3) the site is within 5 miles of an urban reserve line (1.5 miles from the Atascadero urban reserve line); (4) the applicant has designated building sites and access drives where footprint of development is located on less than 30 percent slopes; (5) the footprint of development is outside of SRA, FH, GSA, Earthquake Fault Zone and the Very High Fire Hazard Area, because none of the site is located within these areas; (6) the footprint of development is outside of a Significant Biological, Geographical or Riparian Habitat as defined by the Natural Areas Plan (appendix B of the Ag and Open Space Element of the general plan) because none of the site is located within these areas and (7) the development complies with all development standards, water, sewage disposal and access standards and all land division standards as set forth in Titles 19, 21, and 22.

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EXHIBIT B
Conditions of Approval for CO 05-0122

Approved Project

1. This approval authorizes the division of subdivide an existing 2.5-acre parcel into two parcels of approximately 1.4 and 1.1 acres each for the purpose of sale and/or development and designate the project site as a TDC Receiver Site.

Open Space agreement

2. **Prior to the filing of the final parcel map**, the applicant shall, submit an open space agreement that is approved by county counsel for the line of Willow trees that line the west side of the parent parcel and a 10 foot buffer along the line of willow trees.

Access and Improvements

3. A private easement shall be reserved line on the map for access to lot one.
4. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

5. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
6. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Drainage

7. Submit complete drainage calculations to the Department of Public Works for review and approval.
8. The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
9. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase II storm water program. Provided WDID to Department of Public Works.

Soils Report

10. Three (3) copies of a Preliminary Soil Report prepared by a Registered Civil Engineer in accordance with Section 17953, 17954, and 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments **prior to the filing of the final parcel map**. The date and person who prepared the report are to be noted on the map.

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Utilities

11. Electric and telephone lines shall be installed underground.
12. Cable T.V. conduits shall be installed in the street.
13. Gas lines shall be installed.

Design

14. The lots shall be numbered in sequence.
15. The lot area of lots one and two all contain a minimum area of .9 of an acre exclusive of area shown for rights of way and any easement that limits the surface use for building construction per Section 22.22.030.

Fire Protection

16. **Prior to filing the final parcel map**, the applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements of the Fire Safety letter dated June 14, 2005.

Parks and Recreation (Quimby) Fees

17. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

18. **Prior to filing the final parcel map**, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

TDC Program

19. **Prior to recordation of the final map**, the applicant shall release their ownership in the Receipt of Transfer or the Certificate of Sending Credits to the Department of Planning and Building. Acceptance of the release shall only occur if the credits are located in conformance with Section 22.24.090 of Title 22. The Director shall notify the TDC Administrator of the release and specify the registration numbers of the credits that were used. After release, the credits are no longer valid and available for use.

Additional Map Sheet

20. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of PublicWorks. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
 - a. That secondary dwellings or guesthouses shall not be allowed on all lots within the land division.
 - b. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.

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- c. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
- d. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated June 14, 2005 from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
- e. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - 1. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - 2. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
- f. At the time of application for construction permits, the applicant shall clearly delineate the building site(s), driveway, and approved building envelope. All new development (e.g. residences, detached garages, guest houses, sheds, access roads and driveways) shall be located in this approved building envelope
- g. That approval of the subdivision included the use of Transfer Development Credits, the number of credits used, their registration numbers, and the location and assessor's parcel numbers of the sending site

Miscellaneous

- 21. **Prior to recordation of the final map**, the applicant shall block the existing driveway in a manner approved by the County Planning Department in conjunction with the county Public Works Department and create the new driveway shared for a both parcels created by this parcel map.
- 22. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 23. Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.
- 24. All timeframes on approved tentative maps for filing of final parcel are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

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STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING COMMUNITY WATER AND SEPTIC TANKS

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal, until public sewers may become available.
7. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
8. For parcels created with approved community (public) water but no community sewers, the approved on-site sewage disposal systems shall be designed, where feasible, for ease in ultimate sewerage.
9. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.

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10. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning and Health Departments for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for on-site subsurface sewage disposal.
11. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
12. An encroachment permit be obtained from the California Department of Transportation for any work to be done on the state highway.
13. Any existing reservoir or drainage swale on the property shall be delineated on the map.
14. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
15. Required public utility easements be shown on the map.
16. Approved street names shall be shown on the map.
17. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
18. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
19. Any private easements on the property shall be shown on the map with recording data.
20. All conditions of approval herein specified, unless otherwise noted, are to be complied with prior to the filing of the map.
21. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
22. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
23. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees shall be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

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- c. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
- d. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated June 14, 2005 from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
- e. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - 1. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - 2. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
- f. At the time of application for construction permits, the applicant shall clearly delineate the building site(s), driveway, and approved building envelope. All new development (e.g. residences, detached garages, guest houses, sheds, access roads and driveways) shall be located in this approved building envelope
- g. That approval of the subdivision included the use of Transfer Development Credits, the number of credits used, their registration numbers, and the location and assessor's parcel numbers of the sending site

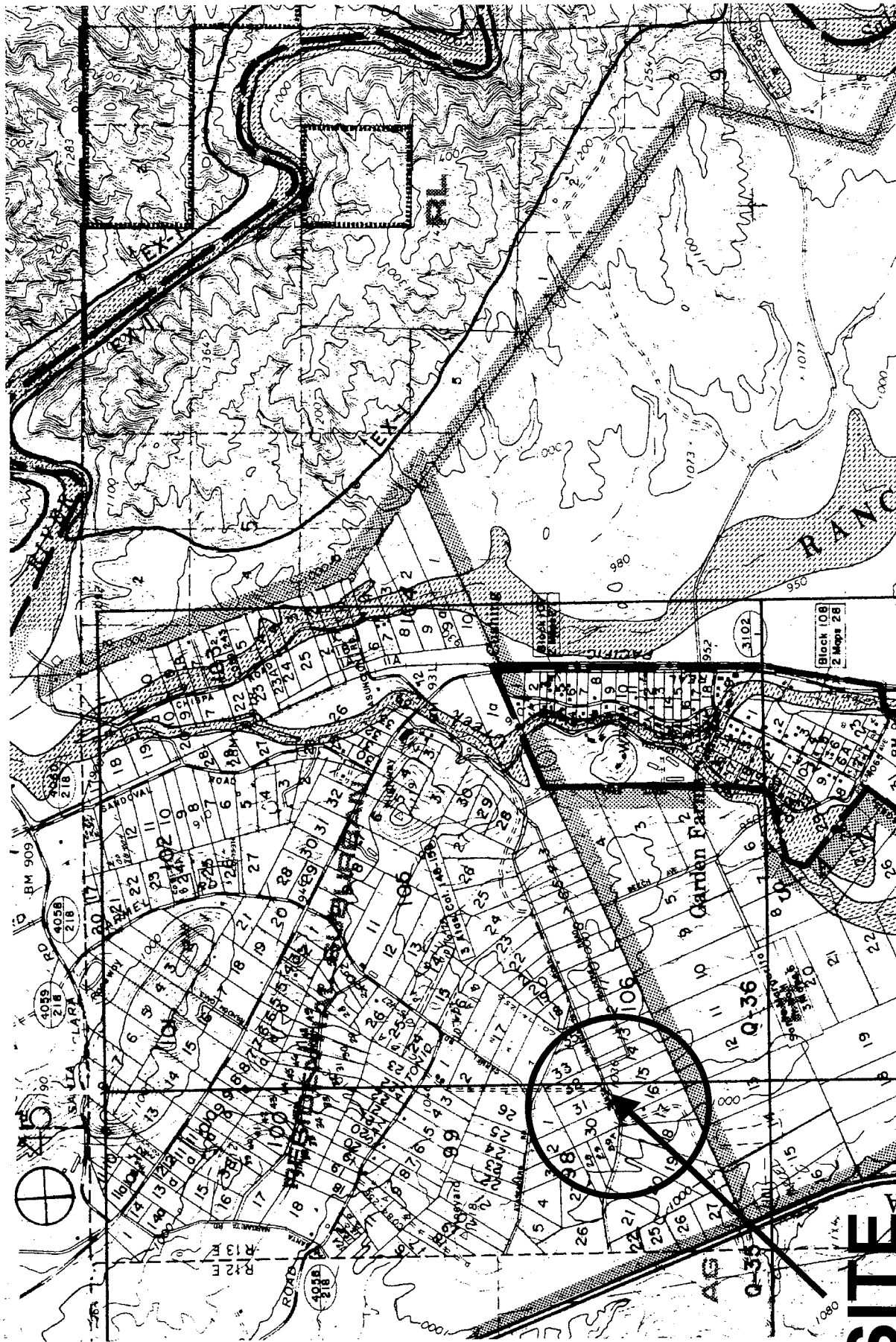
Miscellaneous

- 21. If the any of the lots created by this subdivision have an existing well, the applicant shall install a cross connection device that conforms to the AWWA and California Department of Health standards.
- 22. **Prior to recordation of the final map**, the applicant shall block the existing driveway in a manner approved by the County Planning Department in conjunction with the county Public Works Department and create the new driveway shared for a both parcels created by this parcel map.
- 23. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 24. Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.
- 25. All timeframes on approved tentative maps for filing of final parcel are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Parcel Map
Volbrecht/Galena SUB2004-00355

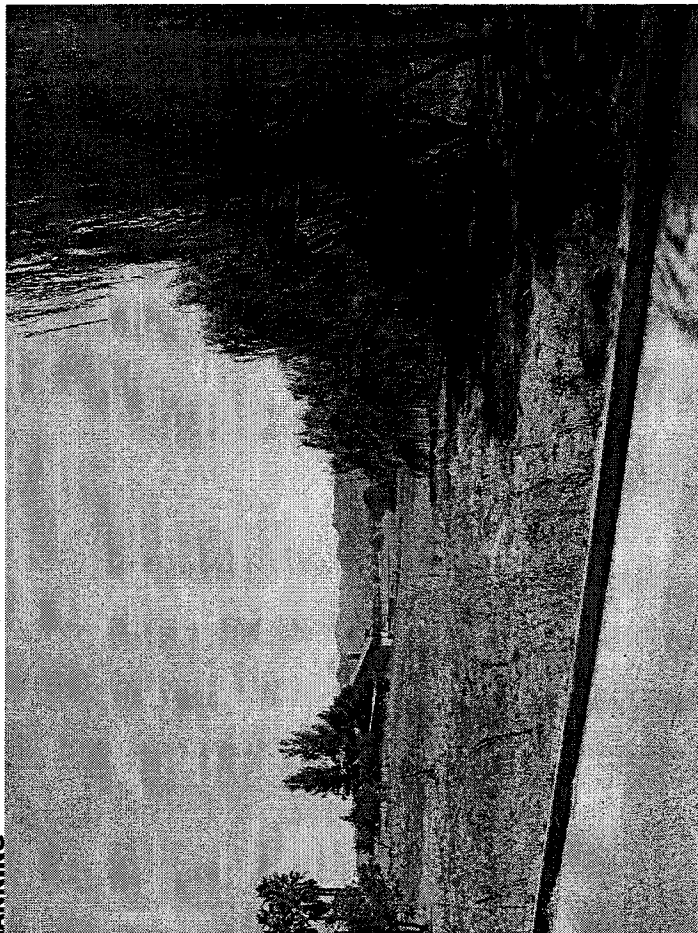
EXHIBIT

Land Use Category



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PROJECT

Parcel Map

Volbrect/Galena SUB2004-00355

EXHIBIT

Open Space



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Volbrecht TDC project – South Atascadero (SUB2004-00355)

James: Parent parcel: 2.5 acres, subdivision into two parcels, 1.4 acres, 1.06 acres using TDC to go below planning area standard. One existing residence.

Alan: Gave presentation on project. Addressed the controversy with TDC projects and the objections from residents. Alan submitted letters of support for project and gave history of Atascadero Colony and creation of Colony lots. Alan read an excerpt from TDC handbook relating to an ideal receiving site; Project complies with LUO requirements. He would like the group to make a yes or no decision on the project.

Della: S. Atascadero has definite geographic boundaries. Requested clarification on if Alan meant South Atascadero or the southern end of Atascadero proper. Della disagrees with the reasoning on why 2.5 PAS was set. Alan indicated that Public Forum notes are available on Microfiche

Roy: Where does the sending site come from? Alan: Bionneheim

George: Will site be served by well? Alan: Served by AMWC

Jim Patterson as a resident: Clarification. Participated in the 1980 workshops. Predominate zoning at the time was 2.5 and that is what the community wanted to maintain. Area is all within the original colony and within the AMWC service area. Not all areas have service. Other issues raised re: density, roads and traffic under improved roads. Need to keep in mind that the BOS did not move forward on 2nd dwelling ordinance because of concerns relating to water, roads, and traffic. Higher density in Atascadero: That area has sewer, no sewer in unincorporated S. Atascadero.

Ken Lerno: Supports TDC program and project. AMWC will serve parcels. Knows there is not a water problem at this time.

Eric Cleveland: Supports TDC program. Everyone has followed all guidelines set forth in the LUO. BOS has not taken action on the TDC program. Do not penalize those that have followed the rules:

Eric Greening: Applicant presentation made it sound as if the PAS is obsolete. Sees no reason why the PAS would need to go away. Questioned what has changed in the circulation systems along with the

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7/2

6-21

Interchange improvements at Santa Barbara road. Any development impacts the SB interchange. Does any unincorporated project contribute to area wide traffic impacts? What is the status of mitigation for cumulative impacts? Cumulative impacts are not being addressed specifically in circulation.

Cathy Sweet: 29 year resident. She thinks that each applicant has an agenda. Whether a secondary dwelling or a TDC project, all results in cumulative impacts. Read an excerpt from letter Kami Griffin sent to Planning Commission. She has received conflicting info from the County. Secondary dwellings ordinance need an EIR, TDC's do not. Need an EIR before we go any further.

Tina Salter: Does not support TDC project or any other project that goes below 80% of PAS (2 acres). 1 acre parcels are too small, concerns about septic.

Dolores Simons: Against TDC program. TDC projects surround her. She has been against the program since October 2004. Traffic, roads and septic, are her concerns. Area is not conducive to additional septic systems.

Pam Jardini: In favor of project. Provided history on previous project and that PW supported earlier TDC projects. Gave summary of underlying zoning. Cumulative Impacts; two neg decs have been adopted. Transferring densities into urban areas, reduces cumulative impacts by bringing development into closer areas

Steve Babcock: Supports the project. Spoke to reduction of cumulative impacts based on location of development and water service. 1 acre is sufficient for septic. Asked that based on previous motion group should allow project to continue through the process.

Anne McMahon: Speaking as a resident; People are misrepresenting the program. For each lot retired, (only relates to residential development) sending site still can have accessory uses. Many more credits have been created than retired. Lots are not required to be merged.

Jamie Kirk: Spoke to problems relating to issues relating to TDC equation

Audrey: 43 lots became 359 credits. Cumulative Impacts may not be reduced. Does not see the math.

David Blakely: Asked James if NDs have been done on the TDC projects. David's concern relates to environmental concerns. Part of the

CS
JP

discretionary process is to take it out to the public for discussion. Has concerns about integrity of Neg Dec. Thinks that Traffic and circulation are a significant impact and that an expanded initial study or an EIR should be done. TDC program is not his issue, env't determination is the issue.

Wes: Let's focus on project specific characteristics. Reminds board that similar projects have been supported. Negative and Positive impacts associated with development. Volbrechts are using the program to accommodate a family member that could not otherwise afford to live in the area. Until the program is amended will not support denial of any projects that have followed the rules.

George: Echoed Wes's comments. Would support the project. Has issues with the TDC program

Mike Horwath: Echoed what George said. Will not penalize applicants that are following the rules in place.

John Jamrog: Program needs fixing, get's down to fairness. Thought that the result of the previous meeting was that they would look at each project in the process.

Della: Fairness: Fairness to applicant and to the residents. Difficult decision to all. Fairness needs to apply to all sides> Applicants know that the TDC is a discretionary process. TDC receiver sites into South Atascadero is not moving them into a "town". AMWC stated they could not serve secondary dwellings and was not due to drought. **Motion:** Neither to approve or denial and pass on to SRB with concerns on cumulative impact: Water, traffic, and septic. That the TDC projects are discretionary projects

Blakely seconded:

Mike Whiteford in opposition to motion> Applicant requested an up or down vote. Owe it to the applicant to give clear direction.

Charlie: SRB was baffled by the "no position" motion.

George: We should vote one way or another.

Vote: 4 in favor: 10 oppose / abstain: 2 motion fails

Roy: Wes comments right on target. Looked at proposal. Proposed parcels are consistent with surrounding parcels. Not that serious of things.

CS
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6-23

Septic does concern him, but having other infrastructure in place (water and roads) address his concerns. Supports Bonnheim's efforts and their efforts to maintain their Ranch. Thinks S. Atascadero was thought to be a receiving site. Project deserves to go forward.

Darryl: Project should move forward. Receiving credits should be evaluated with a 320 acre minimum.

Debbie: Motion: To Support to the project

Second: **George**

Discussion:

Blakely: Neighbors have rights as well as the Volbrechts. Neighbors bought into it with an understanding of the 2.5 acre min. standard. Smaller parcels have impacts on the rural / agricultural character of the area.

Mike: In favor of project

Charlie: Have received letter of support and non support

Anne: Requested to know if the letters were from So. Atascadero residents

MSP 10-4-2

Discussion amongst the group on previous motion.

C-38
38

ECK



**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

6-24

JAN 21 2005

S.L.O. CO. PLANNING DEPT.

DATE: June 17, 2005

TO: North County Team
San Luis Obispo County Department of Planning and Building

FROM: Jan Downs Vidalin *JDV*
San Luis Obispo County Air Pollution Control District

SUBJECT: Galena Parcel Map using TDCs, Atascadero (SUB2004-00355)

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at 9134 Santa Margarita Rd. in Atascadero. The project involves a Parcel Map to divide one-2.45 acre parcel into two parcels, of 1.39 and 1.06 acres. The applicants are requesting consideration to be designated as a TDC receiver site in order to allow for a 50 percent density bonus over the base density in accordance with the South Atascadero Area Standard. The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS:

This project, like so many others, falls below our emissions significance thresholds and is, therefore, unlikely to trigger a finding of significant air quality impacts requiring mitigation. However, we are very concerned with the cumulative effects resulting from the ongoing fracturing of rural land and increasing residential development in areas far removed from commercial services and employment centers. Such development fosters continued dependency of private auto use as the only viable means of access to essential services and other destinations. This is inconsistent with the land use planning strategies recommended in the Clean Air Plan, which promote the concept of compact development by directing growth to areas within existing urban and village reserve lines. The CAP recommends that areas outside the urban/village reserve lines be retained as open space, agriculture and very low-density residential development

The District understands that under the County's Land Use Ordinance parcels within the Residential Suburban category can be subdivided to a minimum lot size of one acre. We also recognize that there are significant human-interest issues that are difficult to overcome, such as the desire of some applicants to settle estate matters through property splits. However, we believe it is important to emphasize to decision makers that subdivision and future development on these, and similar rural parcels throughout the county allows a pattern of development to continue that is ultimately unsustainable. Such development cumulatively contributes to existing stresses on air quality, circulation and other natural and physical resources and infrastructure that cannot be easily mitigated. We do not support this type of development.

Should this project continue to move forward against our recommendation, we would like to be included in the review of future development proposals for the property. We can provide information on local, state, and federal air quality requirements brought on by construction and operational activities such as nuisance control, developmental burning, demolition, and Naturally Occurring Asbestos, permits.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

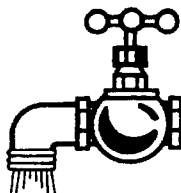
AAG/JDV/sll

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Handwritten initials/signature

ELR2

6-25



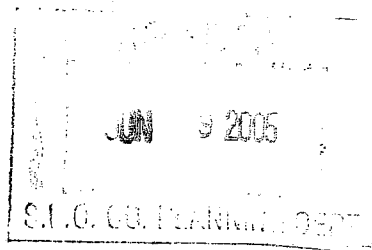
5005 EL CAMINO REAL • P.O. BOX 6075 • ATASCADERO, CA 93423 • (805) 466-2428

Atascadero Mutual Water Company

ESTABLISHED 1913

June 6, 2005

San Luis Obispo County
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408



Project: CO 05-0122, 9134 Santa Margarita Road
APN 059-431-039

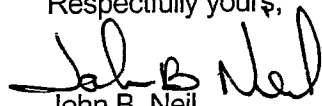
EDUARDO GALENA

We have completed our first review of the information submitted by the applicant for the subject project and we find it complete for those items within the purview of AMWC. We recommend the County include the following conditions in the approval of the project.

1. The applicant shall install an approved cross-connection device at the water meter for any parcel within the subdivision that has an existing well. All cross-connection devices shall conform to AWWA and California Department of Health Services standards.
2. Before issuance of building permits, the applicant shall obtain a "Will Serve" letter from Atascadero Mutual Water Company for the newly created lots within the subdivision.

These conditions are limited to this specific plan submittal and for the purpose for which the applicant made the submittal. Conditions and/or comments are not a commitment by AMWC to serve the project. AMWC may consider these conditions invalid if there are changes in plans, circumstances, or agency rules, regulations, or policies. These conditions of approval supercede all other conditions of approval previously recommended by AMWC for this project.

Respectfully yours,


John B. Neil
General Manager

C-5
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ATASCADERO MUTUAL WATER COMPANY
WILL-SERVE LETTER

6-26

Date: 3/14/05

The undersigned hereby requests confirmation that Atascadero Mutual Water Company is willing to supply water for the following property:

Lot No. Portion 19 & 20

Type of Use Planned (circle one):

Block No. 106

Primary Single-Family Residence Apartment Industrial Motel

APN 059-431-039

Secondary Single Family Residence Retail Condominium

Number of Units 2

Other: _____

Is there existing water service to this parcel? YES If so, Account Number: U/K

Property Address: 9134 SANTA MARGARITA AVE Does this property have a well? No

Total number of meters requested for this project: 1 Size of meters: 3/4"

Name/Company: ALAN VOLBRECHT

Mailing address: P.O. Box 854, SANTA MARGARITA, CA 93453

Telephone Number(s): (805) 781-9296

Delivery of Will-Serve notice (circle one): Mail Pick-up

I understand that AMWC is willing to supply water to the subject property subject with the following conditions:
(Conditions are subject to change, without further notice, by the AMWC Board of Directors)

1. This Will-Serve Letter applies only to the person(s) or organization and for the use specified above.
2. This property is subject to all AMWC policies, rates and fees in effect when fees are paid, including, but not limited to, connection fees, deferred connection fees, and recovery fees. Note that AMWC policy requires a connection fee to be paid for each dwelling unit served.
3. Exact location of the water meter is to be determined by owner and approved by AMWC.
4. Detailed plans may be required prior to issuance of a meter.
5. This Will-Serve Letter will remain effective for 60 days from the date approved.
6. Owner should confirm that mainline pressure is sufficient to serve the planned elevation of any improvements. In some cases, pressure-reducing valves or booster pumps may be required.

Signed: Alan Volbrecht
Owner or Agent (circle one)

Printed Name: ALAN VOLBRECHT

FOR AMWC USE ONLY

The property is in AMWC service area
A main extension is required
A recovery fee is due

Yes
X

No

X

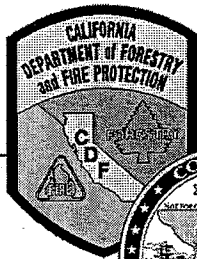
Comments: _____

Existing Main Location and Size: 6 in Santa Margarita

APPROVAL:

John B. Niel
Signature

3-16-05
Date Approved



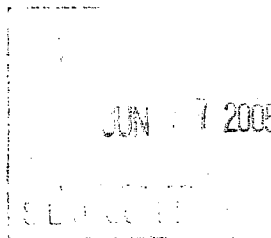
ECK
6-27

CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

June 14, 2005

North County Team
County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408



Subject: Parcel Map Project # SUB2004-00355

Dear North County Team,

I have reviewed the referral for the parcel map plans for the proposed two parcel subdivision project located at 9134 Santa Margarita Road, Atascadero. This project is located approximately 10 to 15 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires.

It is designated a Very High Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

○ Parcels less than 1 acres	800 feet
○ Parcels 1 acre to 4.99 acres	1320 feet
○ Parcels 5 acres to 19.99 acres	2640 feet
○ Parcels 20 acres or larger	5280 feet
- The road must be 18 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.

C-42

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- Roads may not exceed 16% without special mitigation and shall not exceed 20%.
- All roads must be able to support a 20 ton fire engine.
- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.
- Vertical clearance of 13'6" is required.

Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
 - 0-49 feet, 10 feet is required
 - 50-199 feet, 12 feet is required
 - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.

Water Supply

The following applies:

☒ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.

☐ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 foot firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

If I can provide additional information or assistance, please call 543-4244.

Sincerely,

Chad T. Zrelak
Fire Captain Inspector

cc: Volbrecht

CS
43

6-29



Laurie Salo

08/16/2005 11:09 AM

To: Elizabeth Kavanaugh/Planning/COSLO@Wings
cc:
Subject: Re: CO 05-0122

Yes. The project can go forward.

LAURIE A. SALO, R.E.H.S. III
Senior Environmental Health Specialist
Land Use Section
Phone: (805) 781-5544
Fax: (805) 781-4211
Email: lsalo@co.slo.ca.us
Elizabeth Kavanaugh



Elizabeth Kavanaugh

08/16/2005 09:41 AM

To: Laurie Salo/PH/COSLO@Wings
cc:
Subject: Re: CO 05-0122

Does this info satisfy your department standards for these things. Is it Ok to continue processing?

Elizabeth Kavanaugh
Planner and Development Review
County of San Luis Obispo
805-788-2010
Laurie Salo



Laurie Salo

08/16/2005 08:45 AM

To: Elizabeth Kavanaugh/Planning/COSLO@Wings
cc:
Subject: CO 05-0122

Elizabeth-

I have received information from the applicant that shows the project can meet the set back to the water course and separation to groundwater. If you need any additional correspondence from this office, please let me know. Thanks

LAURIE A. SALO, R.E.H.S. III
Senior Environmental Health Specialist
Land Use Section
Phone: (805) 781-5544
Fax: (805) 781-4211
Email: lsalo@co.slo.ca.us

CS
44

6-30

County of San Luis Obispo • Public Health Department



May 24, 2005

Volbrecht Surveys
P.O. Box 299
San Luis Obispo, CA 93406

ATTN: ALLAN VOLBRECHT, PLS
RE: TENTATIVE PARCEL MAP CO 05-0122 (VOLBRECHT)
SUB 2004-00355

Environmental Health Services

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

Water Supply

This office is in receipt of a **preliminary** can and will serve letter from the Atascadero Mutual Water Company to provide water to the above referenced project.

Be advised that a final will serve letter will be required prior to recordation of the final map. Water distribution improvements shall be built to each parcel or construction of the water line improvements may be delayed by way of a county approved performance bond prior to map recordation.

Wastewater Disposal

A system is currently located on proposed parcel 2. Comprehensive soil testing has been submitted for proposed parcel 1. Be advised that the percolation rates received for parcel 1 require a **minimum** of 5 feet of separation from the bottom of the trenches to perched water and groundwater. **Prior to the Subdivision Review Board Hearing, the applicant shall submit information showing the depth of the trenches and adequate separation to the groundwater encountered at 10 feet.** Individual wastewater disposal systems, designed and constructed to meet county and state requirements, should adequately serve the parcels.

CO 05-0122 is approved for Health Agency subdivision map processing.

LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section

c: Kami Griffin, County Planning
North County Team, County Planning
AMWC



EL ECK

14

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

6-31

594 CS

JUL 25 2005

VICTOR HOLANDA, AICP
DIRECTOR

S.L.O. CO. PLANNING DEPT.

THIS IS A NEW PROJECT REFERRAL

DATE:

5/31/05 07/22/05

CO 05-0122

From:

Darks

Galena

To:

North Co. Team

SUB2004-00355

FROM:

(Please direct response to the above)

Project Name and Number

Development Review Section (Phone:

788-2009

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNER)

PROJECT DESCRIPTION:

Parcel Map using TDCs. 2.5
Acres located off Santa Margarita Rd., in
Atascadero. APN 059-431-039.

Return this letter with your comments attached no later than:

6/16/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO (Please go on to Part III)
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Requiere Quimby and applicable Building
Division fees.

Date

07/21/05

Name

Jan D. Lee

Phone

4089



DEPARTMENT OF PLANNING AND BUILDING

6-32

JUN - 2 2005

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 5/31/05

TO: PW

FROM: North Co. Team
(Please direct response to the above)

CO 05-0122

Galena

SUB 2004-00355

Project Name and Number

Development Review Section (Phone: 788-2009)

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNER)

PROJECT DESCRIPTION: Parcel Map using TDCs. 2.5
Acres located off Santa Margarita Rd., in
Atascadero. APN 059-431-039.

Return this letter with your comments attached no later than: 6/16/05

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

YES
NO

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

NO (Please go on to Part III)
YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Recommend Approval - STOKES ATTACHED. WHY THE NAME "GALENA" ABOVE?
Appl # TITLE Report BOTH state owner is VOLBUECHT & MUNOZ.

24 JUNE 2005
Date

GOODWIN
Name

5252
Phone

5
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EXHIBIT B **6-33**

CONDITIONS OF APPROVAL FOR CD 05-0122, GALENA / VOLBYCHT

Approved Project

This approval authorizes the division of a _____ acre parcel into _____ parcels of _____ **acres / square feet** each.

Access and Improvements

☐ Roads and/or streets to be constructed to the following standards:

- a. _____ constructed to a _____ section within a _____ foot dedicated right-of-way.
- b. _____ widened to complete a _____ section fronting the property.
- c. _____ constructed to a _____ section from the property to _____ (minimum paved width to be _____ feet).

☐ The applicant offer for dedication to the public by certificate on the map or by separate document:

- a. For future road improvement _____ feet along _____ to be described as _____ feet from the recorded centerline.
- b. For future road improvement _____ feet along _____ to be described as _____.
- c. For road widening purposes _____ feet along _____ to be described as _____ feet from the recorded centerline.
- d. The _____ foot road easement as shown on the tentative parcel map with a _____ foot radius property line return at the intersection of _____.
- e. A _____ foot radius property line return at the intersection of _____.
- f. The _____ foot road easement terminating in a county cul-de-sac as shown on the tentative map.

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- ☐ The intersection of _____ and _____ be designed in accordance with California Highway Design Manual.
- ☐ Access be denied to lots _____ from _____ and that this be by certificate and designation on the map.
- ☐ The future alignment of _____ shall be shown on the map as reserved for future public right-of-way.
- ☒ A private easement be reserved on the map for access to lots 1.
- ☐ A practical plan and profile for access to lots _____ be submitted to the Department of Public Works and the Department of Planning and Building for approval.
- ☐ All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

- ☐ Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - g. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
 - h. Trail plan, to be approved jointly with the Park Division.
- ☒ The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
- ☐ The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
- ☒ If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works OR
 - b. Document that the regulatory agencies have determined that said permit is not longer required.

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Drainage

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- ☐ _____ is not capable of carrying additional runoff. Construct off-site drainage facilities for an adequate outlet, or provide evidence of adequate drainage easements.
- ☐ The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
- ☐ Submit complete drainage calculations to the Department of Public Works for review and approval.
- ☐ If calculations so indicate, drainage must be **retained/detained** in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
- ☐ If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. granted to the public in fee free of any encumbrance.
 - b. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
 - c. reserved as a drainage easement in favor of the owners and assigns.
- ☐ If a drainage basin is required, a zone of benefit be formed within _____ for maintenance of the drainage basin. Application to be filed with the The Department of Public Works Administrator.
- ☐ If a drainage basin is required, this development be annexed to _____ for maintenance of the drainage basin. Evidence of acceptance to be filed with the Department of Public Works.
- ☒ The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program. *Provide WQID # to County*

Wastewater Disposal

- ☐ Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system. (Parcel(s) _____, only).
- ☐ A community septic system shall be installed with a centralized leaching area and shall have a 100% or greater additional expansion area. The area for the community septic tank system and disposal area shall **be granted in fee on the map to the appropriate maintenance agency for maintenance with the right of ingress and egress / shall be kept as open space within easement for sewage treatment purposes granted to a homeowner's association.** Impervious paving over a disposal area is not considered acceptable.

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- ☐ A long term community septic tank and disposal area maintenance plan be submitted to the the Department of Public Works and Health Department and the Regional Water Quality Control Board for review prior to the filing of the final parcel or tract map.
- ☐ The community sewage system shall be designed by a Registered Civil Engineer and operated in accordance with county, state, federal and maintenance entity laws, standards and requirements. A waste discharge permit, if required, shall be issued by the Central Coast State Regional Water Quality Control Board prior to the filing of the final parcel or tract map.
- ☐ This land division shall be annexed to _____ prior to the filing of the final parcel or tract map for **water service/water and sewer service/sewer maintenance/community septic system maintenance/**_____.

Soils Report

- ☐ A final soils report by a Registered Civil Engineer be submitted for review prior to the final inspection of the improvements.
- ☒ Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final parcel or tract map. The date and person who prepared the report are to be noted on the map.

Utilities

- ☒ Electric and telephone lines shall be installed **underground / overhead**.
- ☒ Cable T.V. conduits shall be installed in the street.
- ☒ Gas lines shall be installed.
- ☐ A _____ feet public utility easement on private property along _____, plus those additional easements required by the utility company, be shown on the final parcel or tract map.

Design

- ☐ The lots shall be numbered in sequence.
- ☐ The _____ on lot _____ be removed or brought into conformance with the **Land Use Ordinance / Coastal Zone Land Use Ordinance** prior to filing the final parcel or tract map. A demolition permit may be required.
- ☐ The lot area of _____ shall contain a minimum area of _____ exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22/23.04.021).

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- ☐ The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

Vector Control and Solid Waste

- ☐ A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet **Land Use Ordinance / Coastal Zone Land Use Ordinance** requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

- ☐ Provide minimum fire flow of _____ gallons per minute as per nationally recognized standard. Fire flows to be maintained for a minimum two-hour duration.
- ☐ The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.
- ☐ Designate a fire lane within all the driveway areas. This lane to be minimum width of twenty (20) feet. (USE FOR MULTI-FAMILY/COMMERCIAL PROJECTS ONLY)

Parks and Recreation (Quimby) Fees

- ☐ Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total **number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them / or the number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.**
- ☐ For subdivisions of less than five parcels that are not to be used for residential purposes, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels created by this subdivision within four years of recordation of the map, the Quimby Ordinance fee specified in the county fee schedule shall be paid by the owner of each parcel as a condition for the issuance of such permit.

Affordable Housing Fee

- ☐ Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

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Easements

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- ☐ The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel prior to filing of the final parcel or tract map.
- ☐ An open space easement be recorded for the open space parcel(s). It is to be held ***in single ownership / in common by the Homeowner's Association / or transferred to a public trust or conservancy agency approved by the Department of Planning and Building.*** The open space parcel is to be maintained as such in perpetuity.

Landscape Plans

- ☐ ***If a drainage basin*** is required, then submit detailed landscaping plans in compliance with Section 22/23.04.180 et seq. to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:
 - a. Drainage basin fencing. (***ONLY USE IF THE DRAINAGE BASIN HAS A DEPTH OF 2 FEET OR GREATER AS MEASURED FROM THE TOP OF THE RIM TO THE LOWEST PORTION OF THE BASIN***)
 - b. Drainage basin perimeter landscape screening. (***ONLY USE FOR FENCED BASINS***)
 - c. Landscaping for erosion control.
- ☐ All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within _____ days of completion of the improvements.

Mitigations PUT ANY MITIGATIONS FROM DEVELOPER STATEMENT HERE **ONLY IF THEY CAN BE COMPLETED PRIOR TO THE RECORDATION OF THE MAP**

- ☐ _____
- ☐ _____

Additional Map Sheet

- ☐ The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

CHOOSE APPLICABLE PROVISIONS

- a. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of drainage basin fencing in perpetuity.
- b. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of ***drainage basin / adjacent*** landscaping in a viable condition on a continuing basis into perpetuity.
- c. That secondary dwellings shall not be allowed on ***all lots within the land division / on lots*** _____.

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- d. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site and access drive on the project plans.
- e. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- f. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- g. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
- h. The limits of inundation from a 100 year storm over lots _____ from _____ **creek / river** shall be shown on the additional map and note the required building restriction in the on the sheet.
- i. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
- j. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated _____ from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. *(ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)*
- l. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - A. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
- m. PUT ANY MITIGATIONS FROM DEVELOPER'S STATEMENT HERE **ONLY IF THEY GO BEYOND RECORDATION OF THE MAP** _____

Covenants, Conditions and Restrictions

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- ☐ The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:

CHOOSE APPLICABLE PROVISIONS

- a. On-going maintenance of drainage basin fencing in perpetuity.
- b. On-going maintenance of **drainage basin / adjacent** landscaping in a viable condition on a continuing basis into perpetuity.
- b. Maintenance of drainage basin landscaping.
- c. Maintenance of common areas.
- d. Secondary dwellings shall not be allowed.
- e. Designated building sites (and access drives) shall be shown on an exhibit attached to the CC&R's reflecting the approved tentative map.
- f. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- g. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- h. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on an exhibit attached to the CC&R's. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year.
- i. Maintenance of all local streets within the subdivision until acceptance by a public agency.
- j. The limits of inundation from a 100 year storm over lots _____ from _____ **creek / river** shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the in the CC&R's.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. (ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)
- l. _____

Low Cost Housing (USE IN COASTAL ZONE ONLY)

- ☐ Provide _____ residential units for low and moderate income families as defined by Section 50093 of the Health and Safety Code as part of the proposed project or elsewhere in the community. The agreement with the county for the development will include acknowledgment that it is feasible to provide a level of affordable housing in conjunction with this project. If qualified buyers have not purchased any of the _____ units within six months of the units being available for sale, and evidence can be provided that shows a reasonable advertising campaign was used to attract qualified buyers, the applicant may be relieved from the requirements to sell the units to qualified buyers.

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Miscellaneous

- ☒ This subdivision is also subject to the standard conditions of approval for all subdivisions using **community water and sewer / community water and septic tanks / individual wells and septic tanks**, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- ☐ A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
- ☐ Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.
- ☐ Prior to the sale of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county.
- ☐ All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.



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COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY ()

ENVIRONMENTAL DETERMINATION NO. ED05-259

DATE:

PROJECT/ENTITLEMENT: Volbrecht Parcel Map SUB2004-00355

APPLICANT NAME: Alan & Chris Volbrecht

ADDRESS: PO Box 299, San Luis Obispo, CA 93406

CONTACT PERSON: Volbrecht Surveys

Telephone: 805-781-9296

PROPOSED USES/INTENT Request by Alan & Chris Volbrecht for a tentative parcel map to subdivide an existing 2.5 acre parcel into two parcels of 1.4 and 1.1 acres, for the purpose of sale and/or development. The proposed project includes zoning of the property as a Transfer of Density Credit (TDC) receiver site, which would allow a higher development density on the parcel than what would otherwise be allowed under the Residential Suburban land use category in the project area. No secondary dwellings would be allowed on the resulting parcels. The proposed project is within the Residential Suburban land use category.

LOCATION: This project is located on the south side of Santa Margarita Road (at 9134 Santa Margarita Road), approximately a quarter of a mile west of the Morningside Road, south of the City of Atascadero. The site is in the Salinas River planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT5 p.m. on

20-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency



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COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

(ver 2.1) Using Form

Project Title & No. Volbrecht Parcel Map ED 05-259 SUB 2004-00355

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

ELIZABETH KAVANAUGH Elizabeth Kavanagh 3/13/06
Prepared by (Print) Signature Date

Jeff Oliveira Ellen Carroll, 3/15/06
Reviewed by (Print) Signature (for) Environmental Coordinator Date

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Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION:: Request by Alan & Chris Volbrecht for a tentative parcel map to subdivide an existing 2.5 acre parcel into two parcels of 1.4 and 1.1 acres, for the purpose of sale and/or development. The proposed project includes zoning of the property as a Transfer of Density Credit (TDC) receiver site, which would allow a higher development density on the parcel than what would otherwise be allowed under the Residential Suburban land use category in the project area. No secondary dwellings would be allowed on the resulting parcels. The proposed project is within the Residential Suburban land use category and is located on the south side of Santa Margarita Road (at 9134 Santa Margarita Road), approximately a quarter of a mile west of the Morningside Road, south of the City of Atascadero. The site is in the Salinas River planning area.

ASSESSOR PARCEL NUMBER(S): 059-431-039

SUPERVISORIAL DISTRICT # 5

B. EXISTING SETTING

PLANNING AREA: Salinas River, Rural

LAND USE CATEGORY: Residential Suburban

COMBINING DESIGNATION(S): None

EXISTING USES: Residence , accessory structures

TOPOGRAPHY: Nearly level to gently sloping

VEGETATION: Grasses, willow trees, ornamental landscaping

PARCEL SIZE: 2.5 acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Suburban; residential	East: Residential Suburban; residential
South: Residential Suburban; residential	West: Residential Suburban; residential

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C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Change the visual character of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Create glare or night lighting, which may affect surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project site is located on Santa Margarita Rd., southeast of the City of Atascadero (refer to Figures 1 through 3). The project consists of nearly level to gently rolling topography supporting pine and scattered oak trees, grasses, forbs, shrubs, and a row of willow trees. The project site is currently developed with one residence and accessory structures. The surrounding area is characterized by gently to moderately sloping topography and vegetated with grassland, scattered oak trees. The area is developed with residences and accessory agricultural uses including livestock grazing and equestrian facilities. The project site and surrounding similarly developed areas are visible from San Antonio Road, Carmel Road, and Morningstar Lane, local roads providing access to residential development on the west side of El Camino Real.

Impact. The applicant is proposing to subdivide the project site into two parcels of, 1.39 and 1.06 acres each for the purpose of sale and/or development (refer to Figure 4) through the TDC program-. The TDC designation would allow for a slightly higher development density on the parcel than otherwise allowed, while still preserving the rural character of the area by reducing conversion pressure on adjacent agricultural lands. One residence is located on proposed Parcel 2, and Parcel 1 would potentially support one residence. Future residential development on the project site would not significantly change the visual character of the area and no visual impacts are anticipated.

Mitigation/Conclusion. No significant visual impacts would occur as a result of the proposed parcel map, and no mitigation is required.

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2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning or Williamson Act program?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project site is located in the Residential Suburban land use category. The soil types on the project site for "non-irrigated" and "irrigated" soil, as described in the Natural Resource Conservation Service (NRCS) Soil Survey, are Still clay loam, (2 - 9% slope), San Andreas-Arujo sandy loams, (9 - 15 % slope), San Andreas, and Arujo. As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "IV", and the "irrigated" soil class is "II to IV". Surrounding land uses consist of residential development with secondary uses including horse pastures and livestock grazing. The proposed project includes zoning of the property as a Transfer of Density Credit (TDC) receiver site, which would allow a higher development density on the parcel than what would otherwise be allowed under the Residential Suburban land use category in the project area, while still preserving the rural character of the area by reducing conversion pressure on nearby agricultural lands. The minimum parcel size for the South Atascadero area is established as 2.5 acres to provide open space areas for animal husbandry and preservation of the rural character.

The proposed parcel split and designation as a TDC receiver site would allow for establishment of two parcels, 1.4 and 1.1 acres each, and although the proposed parcels do not meet the minimum size requirement for the project area and the land use category, the site is consistent with the goals of the TDC program. Creation of one additional parcel with one single-family residence is not anticipated to cause a significant long-term impact to continued use of the property or adjacent lands for animal husbandry or other agricultural uses due to TDC program conditions prohibiting further subdivisions and development of the parcel. The property would receive a TDC receiver site combining designation, which would prohibit further subdivision and land use category changes while allowing one residence on each parcel. No direct impacts to adjacent agricultural lands would occur as a result of the proposed project.

Mitigation/Conclusion. The TDC receiver site designation, creation of one additional parcel, and future construction of one single-family residence would not cause direct impacts to nearby accessory agricultural uses. Implementation of the restrictions placed on the property as a TDC receiver site and prohibition of future subdivisions and land use category changes, would reduce the conversion pressure on lands west of Highway 101. No mitigation measures are required.

3. AIR QUALITY - Will the project:

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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3. **AIR QUALITY - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting. Based on the latest air monitoring station information the trend in air quality in the general area is moderately improving. The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10) that become airborne and find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e. application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Impact. There is one existing residence on proposed Parcel 2. Future construction of a residence and associated improvements on Parcel 1 would result in soil disturbance. This will result in the creation of dust, construction-related emissions, and operational emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project would result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation.

Generally, the APCD does not support fracturing of rural lands and residential development removed from employment and commercial services. The Clean Air Plan includes land use management strategies to guide decision-makers on land use approaches that result in improved air quality. The proposed project is somewhat inconsistent with the "Planning Compact Communities" strategy, where increasing development densities within urban areas is preferable over increasing densities in rural areas. Increasing densities in rural areas results in longer single-occupant vehicle trips and increases emissions. In this instance, this partial inconsistency is not considered significant for the following reasons: 1) the proposed density of this subdivision is still consistent with what was assumed in the last update of the Clean Air Plan which, based in part on this density, approved the necessary control

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measures to achieve acceptable air quality attainment in the future; 2) standard forecast modeling (e.g., ARB URBEMIS2001) identifies that vehicles in the near future will produce substantially lower emissions (e.g., use of electric, hybrid and advanced technology vehicles); and 3) the TDC designation would allow for a slightly higher development density on the parcel than otherwise allowed, while reducing conversion pressure in other rural areas. Based on the above discussion, given the smaller number of potential new residences (one additional residence), both individual and cumulative impacts are expected to be less than significant as it relates to the Clean Air Plan land use strategies.

Mitigation/Conclusion. No significant air quality impacts were identified, and no mitigation measures are necessary.

4. BIOLOGICAL RESOURCES -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The following habitats were observed on the proposed project: Grasses , scattered oaks

Based on the latest California Diversity database, and other biological references, the following is a list of sensitive vegetation, wildlife and/or habitat that have been identified as potentially being within the vicinity of the proposed project:

Habitat- Blue Oak Woodland (Medium 34 to 75%) app. 0.2 miles west of the property;
Blue Oak Foothill Pine Woodland (Scattered <10% Density) app. 0.2 miles east of the property;
Vernal Pools – The proposed project is app. 0.15 miles north of Vernal Pool Habitat. A vernal pool habitat will consist of seasonal wetland (i.e., an area with ponding water during the wet season and then drying up during the summer months). This habitat sometimes support sensitive aquatic plant and wildlife species, such as the federally-threatened vernal pool fairy shrimp, the spadefoot toad, the California Tiger salamander, and several sensitive aquatic plant species. [During a field inspection, the project area's topography was inspected for the potential to support vernal pools (e.g., low-lying areas, natural or man-made ponding areas, etc.). No such topography was identified.]

Sensitive Plant Species. Based on the California Natural Diversity Database (CNDDB), the proposed project site is located in the vicinity of two special status plant species: straight-awned spineflower (*Chorizanthe rectispina*), a California Native Plant Society (CNPS) List 1B (rare, threatened, or endangered in California and elsewhere) annual herb; and Santa Margarita manzanita (*Arctostaphylos pilosula*), a CNPS List 1B evergreen shrub.

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Straight-awned spineflower occurs within barren sandy or gravelly soils in association with chaparral shrubs, dry woodland, or grasslands. Santa Margarita manzanita occurs within closed-cone coniferous forest, chaparral, and cismontane woodland. No species of manzanita was observed on the project site. The area proposed for development designated by a building envelope is covered in lush grass and in soil of Still clay loam, not the sandy or gravelly soils the Straight-awned spineflower grows in. All the on-site chaparral and woodlands are located on parcel two, which is already developed with one primary residence. Secondary dwellings are prohibited in this area..

Native and Other Important Vegetation. Mature valley oak (*Quercus lobata*) and coast live oak (*Quercus agrifolia*) trees are located in the northern corner and along the southeastern property boundary.

Sensitive Wildlife Species. The valley and coast live oak trees onsite provide habitat for nesting raptors and other birds, which are protected by California Fish and Game Code 3503.

Impact - No sensitive species or habitats were identified on the subject property in the areas potentially affected by future development as a result of this subdivision. No impacts to biological resources are anticipated.

Mitigation/Conclusion. - No significant biological impacts were identified, and no mitigation measures are necessary.

5. CULTURAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Disturb pre-historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Disturb historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb paleontological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project is located in an area historically occupied by the Obispeño Chumash and Southern Salinian. The project is generally located in an area that would be considered culturally sensitive due to its location near the Salinas River corridor. However, several archeological reports have been completed in this area and no cultural resources were identified. The site does not support the physical characteristics that would be associated with prehistoric occupation. Impacts to historical or paleontological resources are not expected.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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6. GEOLOGY AND SOILS -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. GEOLOGY - The topography of the project is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered low to high. Active faulting is known to exist approximately 1.25 mile east of the site. The project is not within a known area containing serpentine or ultramafic rock or soils.

DRAINAGE - The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (an unnamed stream) from the proposed development is approximately 0.5 mile to the west. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered very poorly to moderately drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential

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drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – The soil types mapped for the project site include: Concepcion sandy loam, (2 - 9% slope), Still clay loam, (2 - 9% slope), San Andreas-Arujo sandy loams, (9 - 15 % slope). As described in the NRCS Soil Survey, the soil surface is considered to have low to moderate erodibility and low to moderate shrink-swell characteristics. Future grading activities would result in soil disturbance. Based on the location and topography of the project site, there is no evidence that measures above what will already be required by ordinance or code are needed.

Impact. Due to the gently sloping nature of the project site, and the existing development, no significant impacts to geology or soils has been identified.

Mitigation/Conclusion. No significant geological impacts are expected to occur, and no mitigation measures are required above what will already be required by ordinance or codes are needed.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create any other health hazard or potential hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project is not located in an area of known hazardous material contamination. The project does not propose the use of hazardous materials. The project is not expected to conflict with any regional evacuation plan. The project is not within the Airport Review area. The project is within a High Fire Severity Zone within a State Responsibility Area for wildland fires. Prior to issuance of construction permits for lot development, the applicant is required to comply with local and state fire regulations, which include access road and driveway specifications, fire flow water supply, and fuel modification (100 feet surrounding all structures).

Mitigation/Conclusion. The applicant is required to comply with all fire safety rules, regulations, and standards of the California Fire Code and Public Resources Code. Based on the required compliance

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with applicable fire codes, no additional mitigation measures are necessary.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project site is located adjacent to San Antonio Road, a two-lane local road that generates minimal levels of transportation related noise. Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area. The project is not expected to generate loud noises, nor conflict with the surrounding uses.

Mitigation/Conclusion. No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Implementation of the proposed parcel map would result in the potential construction of one additional residence south of the City of Atascadero. The future development would not displace existing housing or people, or use a substantial amount of fuel or energy to construct and

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maintain. No significant population and housing impacts are expected to occur as a result of the proposed parcel map.

Mitigation/Conclusion. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project. Prior to map recordation, the applicant will pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project.

10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF (Parkhill Station 40) fire station is approximately six miles to the east. The closest Sheriff substation is in Templeton, which is approximately 11 miles from the proposed project. The project is located in the Atascadero Unified School District. This proposed project, along with numerous others in the area would have a cumulative effect on police/sheriff and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. Public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

11. RECREATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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11. RECREATION - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Based on the County Trails Plan, the proposed project site is not located within a proposed trail corridor. The proposed parcel map and future occupation of one additional residence would contribute to the local and cumulative demand for recreational resources in the immediate area and San Luis Obispo County. The proposed project was referred to the County Parks Division for review. The Parks Division did not identify any project specific significant impacts. The applicant is required to pay Quimby and Building Division fees to offset cumulative impacts.

Mitigation/Conclusion. Cumulative impacts would be mitigated through the payment of required Quimby fees prior to map recordation. Quimby fees are used in lieu of dedication of land for park and recreational facilities to provide funds for maintenance of existing parks and acquisition of land. No additional measures are necessary.

**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located on Santa Margarita Road, a two-lane local road. This road provides access to residential development in the area, and is operating at an acceptable level of service.

Impact. The applicant proposes to subdivide one lot into two lots. There is an existing residence on proposed Parcel 2. The proposed project is estimated to generate a total of 19 trips per day including the existing residence, based on the Institute of Traffic Engineer's manual of 9.6 average daily trips per residence. This small amount of additional traffic would not result in a significant change to the existing road service levels or traffic safety. The proposed project was referred to County Public Works Department. This agencies did not respond with any concerns.

Mitigation/Conclusion. No significant transportation or circulation impacts were identified, and no mitigation measures are necessary.

13. WASTEWATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The existing residence on proposed Parcel 2 utilizes an onsite individual wastewater system. Future residences on proposed Parcels 1 would also be served by on-site individual wastewater systems. As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relate to: slow percolation and shallow depth to bedrock. These limitations are summarized as follows:

Slow Percolation. This characteristic indicates that fluid may percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch. Percolation tests were conducted by Norman Haliin, a certified Geotechnical Engineer. Based on the results of the tests, the percolation rates on proposed Parcels 1 range from 60 to 90 minutes/inch, within acceptable limits (Norman Haliin; - (March 21, 2005). The County Environmental Health Division reviewed the percolation test report and concluded that individual wastewater systems should adequately serve the

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proposed parcels (Laurie Salo; May 24, 2005). Ms. Salo also noted that comprehensive soil testing would be required prior to final map recordation.

Shallow Depth to Bedrock. This characteristic indicates that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, chances increase for the effluent to infiltrate cracks that could lead directly to groundwater sources or near wells without adequate filtering, or allow effluent to daylight where bedrock is exposed to the earth's surface. Soil borings conducted as part of the percolation tests drilled to depths of 15 feet below the surface, and bedrock was not encountered (Norman Haliin, March 21, 2005). Based on the results of the soil borings, there is adequate depth to bedrock.

Mitigation/Conclusion. No significant impacts as a result wastewater are anticipated, and no mitigation measures are necessary.

14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project proposes to use a community system (Atascadero Mutual Water Company) as its water source. Atascadero Mutual Water Company issued a preliminary will-serve letter to the applicant (John Neil; June 6, 2005). The County Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be approximately 1.7 acre feet/year (AFY), including the existing residence:

Two residential lots (w/primary (0.85 afy x 2 lots) = 1.7 afy

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

The topography of the project is nearly level to gently sloping. The closest creek (an unnamed stream) from the proposed project site is approximately 0.5 mile away. As described in the NRCS Soil Survey, the soil surface is considered to have low to moderate erodibility.

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Based on the size of the proposed parcel and underlying nearly level to gently sloping topography, the potential for erosion and off-site sedimentation during future grading activities is low, and impacts to surface water as a result of soil disturbance would be less than significant.

Impact /Conclusion. No significant impacts to surface water or water supply were identified, and no mitigation measures are necessary.

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used). The project is not within or adjacent to a Habitat Conservation Plan area. Surrounding land uses include residences and accessory agricultural uses. The proposed project is compatible with these surrounding uses because it is a subdivision of one approximately 2.5-acre parcel into two parcels of 1.4 and 1.1 acres for future sale and/or development. Although the proposed density and future development is slightly greater than what is allowed in the existing land use category, the proposed parcel split is consistent with land divisions on neighboring parcels and the TDC designation would restrict further subdivision of the project site.

Mitigation/Conclusion. The applicant's proposal includes a request for the parcel to be designated a TDC receiving site. This would allow the subdivision of a 2.5-acre parcel into two parcels, 1.39 and

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1.06 acres, despite a Salinas River Area Plan standard that requires a 2.5-acre minimum parcel size for this area of the county. This project meets the criteria for a TDC receiving site; therefore, it is consistent with the County's land use policies and no additional measures are required. In addition, the Land Use Ordinance prohibits secondary dwellings in the south Atascadero area. No mitigation measures are required.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:

Potentially Significant

Impact can & will be mitigated

Insignificant Impact

Not Applicable

- a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?* ☐ ☐ ☒ ☐
- b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)* ☐ ☒ ☐ ☐
- c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?* ☐ ☐ ☒ ☐

Cumulative impacts of this project are in public services and recreation. They have been discussed in the Public Service and Recreation sections of this document.

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at: "http://ceres.ca.gov/topic/env_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

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Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Division	In File**
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	In File**
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry	In File**
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>Atascadero Mutual Water Company</u>	In File**
<input type="checkbox"/>	Other _____	Not Applicable

** "No comment" or "No concerns"-type responses are usually not attached

The following checked (☒) reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application

County documents

- ☐ Airport Land Use Plans
- ☒ Annual Resource Summary Report
- ☐ Building and Construction Ordinance
- ☐ Coastal Policies
- ☒ Framework for Planning (Coastal & Inland)
- ☒ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
 - ☒ Agriculture & Open Space Element
 - ☒ Energy Element
 - ☒ Environment Plan (Conservation, Historic and Esthetic Elements)
 - ☒ Housing Element
 - ☒ Noise Element
 - ☐ Parks & Recreation Element
 - ☒ Safety Element
- ☒ Land Use Ordinance
- ☐ Real Property Division Ordinance
- ☐ Trails Plan
- ☐ Solid Waste Management Plan

☐ Area Plan
and Update EIR

☐ Circulation Study

Other documents

- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Areas of Special Biological Importance Map
- ☒ California Natural Species Diversity Database
- ☒ Clean Air Plan
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin - Region 3)
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other _____

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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Percolation Tests – Norm Hallin; March 21, 2005

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